

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30395 of 2014

Arising Out of PS.Case No. -859 Year- 2013 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Md. Shafique Alam, Son of Md. Murtaza Ansari, resident of village &
P.S.- Shakoorabad, District- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Soni Khatoon, Wife of Shafique Alam, daughter of Md. Ibrahim, resident
of village- Pakki Talab, P.S.- Laheri, District- Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahboob Ashraf, Adv.

For the Opposite Party/s : Mr. Braj Kishor Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 20-01-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, apprehending his arrest in connection
with Complaint Case No. 859C of 2013 registered for the offences
punishable under Section 498A and 323 of the Indian Penal Code
and Section 3/4 of the Dowry Prohibition Act, seeks the privilege
of pre-arrest bail.

Allegedly, the petitioner being the husband of the
complainant started torturing her for not fulfilling the demand of
cash of Rs. 75,000/- and colour T.V. Lastly she was ousted from
the in-law's house after snatching her ornaments and her husband

has arranged second marriage.

Submission is of false implication and that nothing was demanded and the petitioner is a man of poor background whereas the complainant is from a rich family and she herself does not want to live with the petitioner, to which the learned A.P.P. and the learned counsel for the complainant oppose.

In the facts and circumstances as stated above, considering that the petitioner is the husband having specific allegation for demanding dowry and assaulting the complaint and as such, this Court is not persuaded to grant the privilege of pre-arrest bail to him and accordingly, such prayer stands rejected. However, in case and if so advised, the petitioner surrenders and seeks bail then his prayer for regular bail shall be considered on its own merit on the same day without being prejudiced by this order.

Accordingly, this application is disposed of.

(Jitendra Mohan Sharma, J.)

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